

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOBIUS MANAGEMENT SYSTEMS, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 05-346 SLR
	:	
ACARTUS, INC., and EMC CORPORATION	:	
	:	
Defendant.	:	

STIPULATION AND ORDER

It is hereby stipulated and agreed by and between plaintiff Mobius Management Systems, Inc. ("Mobius") and defendants Acartus, Inc. ("Acartus") and EMC Corporation ("EMC"), through their undersigned counsel, as follows:

1. Acartus and EMC shall permanently refrain from using in connection with the sale, offering for sale, distribution, promotion or advertising of their services or products, the marks "Mobius DAF Export Utility," "Mobius Replacement Solution," and "ApertureONE Extraction Utility for Mobius DAF Files," and shall permanently refrain from using, as a source identifier in the name of an Acartus or EMC product or service, the terms "Mobius" or "ViewDirect," or substantially identical terms.

2. Counts I and II of Second Amended Complaint are otherwise dismissed with prejudice, with each party to bear its own fees and expenses that relate to those two claims.

PROCTOR HEYMAN LLP

MORRIS NICHOLS ARSHT &
TUNNELL LLP

/s/ Kurt M. Heyman

Kurt M. Heyman (# 3054)
E-mail: kheyman@proctorheyman.com
1116 West Street
Wilmington, DE 19801
(302) 472-7300

Attorney for Plaintiff
Mobius Management Systems, Inc.

/s/ Mary B. Graham

Mary B. Graham (# 2256)
E-mail: mgraham@mnat.com
Chase Manhattan Center, 18th Floor
1201 North Market Street
Wilmington, DE 19899-1347
(302) 658-9200

Attorney for Defendant Acartus, Inc.

OF COUNSEL:

KRAMER LEVIN NAFTALIS
& FRANKEL LLP
Randy Lipsitz
Jonathan M. Wagner
Marjorie E. Sheldon
1177 Avenue of the Americas
New York, NY 10036
(212) 715-9100

OF COUNSEL:

CHOATE, HALL & STEWART LLP
Robert S. Frank Jr.
Paul D. Popeo
G. Mark Edgerton
Two International Place
Boston, MA 02110
(617) 248-5101

SO ORDERED this ____ day of _____, 200__.

The Honorable Sue L. Robinson
United States District Judge